HONOURABLE SRI JUSTICE B. PRAKASH RAO
AND
HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

Rev.W.A.M.P.NO.2557 OF 2006
IN
W.A.NO.860 OF 2006

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

This petition is filed to review the order of this Court, in W.A.No.860 of 2006 dated 1.11.2006.

The grievance of the review petitioners is limited to the observations of this Court in its judgment dated 1.11.2006, that in the transfer guidelines for the year 2006 the first respondent, on its own accord, had included employees with zero service to participate in the counseling process. While holding that it was, normally, not for this Court to impose any conditions on the employer, in the manner in which transfers are to be effected, or to prescribe guidelines in this regard, as these were all matters in the employer's realm, this Court had held that no relief could be granted to the review petitioners herein since the first respondent had, on its own accord, included members with zero service to participate in the counseling process pursuant to the transfer guidelines for the year 2006.

Sri M. Venkatram Reddy, learned counsel for the review petitioners, would refer to clause (xiv) of Guideline-II of the Guidelines to effect transfers 2006, which required whoever was promoted as PGIs in 2005 to submit applications for transfer and attend counseling to choose the place, as per the orders of the High Court dated 03.11.2005 in W.P.M.P.No.29724 of 2005 in

W.P.No.23174 of 2005. Learned counsel would submit that since this condition was imposed only pursuant to the order of the learned Single Judge, the order passed by this Court holding that it was the first respondent society which, on its own accord, had prescribed such a condition was an error apparent on the face of the record necessitating the order to be reviewed.

We find considerable force in this submission of the learned counsel for the review petitioners. The observation in our order, dated 1.11.2006, that the first respondent had, on its own accord, brought such candidates within the purview of counseling, is set aside. The order passed in WPMP No.29924 of 2005 in W.P.No.23174 of 2005 dated 3.11.2005, to the extent that the respondents were directed to bring the postings made against various vacancies on promotion also under the purview of counseling, is also set aside and the Review W.A.M.P. is allowed to the extent indicated above. We, however, make it clear that our order shall not be construed as placing any fetters on the first respondent, if it so chooses, from including the review petitioners herein also within the scope of counseling.

The Review W.A.M.P. is accordingly allowed. There shall be no order as to costs.

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(B. PRAKASH RAO, J.)

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(RAMESH RANGANATHAN, J.)

29th November, 2006

Note: C.C. in one week.

(B/o) Js.